



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:ddj

Docket No: 2788-00

18 July 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 9 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. Board regulations state that personal appearances before the Board are not granted as a right, but only when the Board determines that such an appearance will serve a useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board.

Docket No. 2788-00

In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1160
PERS-815
09 Jun 00

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO IT1 [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 12 Apr 00
(b) NAVADMIN 180/97
(c) NAVADMIN 047/98

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner received BUPERS orders 1767 on 25 Jun 1997 to attend NEC 2735 training at FCTCLANT DAM NECK VA with follow on orders to NAVCOMTELSTA BAHRAIN.

- Petitioner reenlisted on 17 Dec 1997 for six years to have sufficient obliserve for BUPERS orders 1767. Petitioner completed training and transferred to NAVCOMTELSTA BAHRAIN on 27 Feb 1997.

- Reference (b) did not carry a zone "C" SRB entitlement for the RM(IT)(2735) rate/NEC at the time petitioner reenlisted and completed training.

- Reference (c), released on 12 Mar 98 with an effective date of 1 Apr 98 listed a zone "C" SRB entitlement for the RM(IT)(2735) rate/NEC with an award level of 1.0.

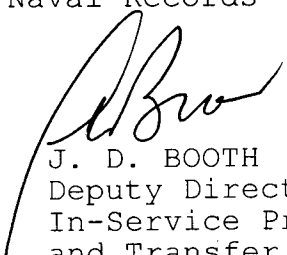
- Petitioner requests to change the six year reenlistment of 17 Dec 1997 to an SRB eligible effective date within reference (c) and receive the zone "C" SRB entitlement.

- NAVAL PERSONNEL COMMAND/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until after the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. Petitioner's hindsight is not sufficient grounds to change the reenlistment of 17 Dec 1997 as no error or injustice was committed.

2. In view of the above, recommend petitioner's record remain as is.

Subj: BCNR PETITION ICO IT1 [REDACTED]

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


J. D. BOOTH
Deputy Director
In-Service Procurement
and Transfer Division